

REMARKS

Claims 1, 2, and 4-7 are pending in this application. Claim 3 has been canceled.

Support

Claims 1 and 5 have both been amended to refer to a different figure for the amount of the electrically conductive carbon powder. Support for this change can be found in the specification as filed on page 11, lines 9 and 10.

Support for the other changes to claim 1 can be found in claim 3, which has now been canceled.

Claim Objections

The objections on page 2 of the last Office Action of claims 4, 6, and 7 is traversed. In the application as filed claim 4 was dependent on claims 1, 2, and 3; claim 6 was dependent on claims 4; and claim 7 was dependent on claim 6. It is undisputed that the application as filed contained objectionable multiple dependent claims.

To overcome the objectionable multiple dependency a document entitle "PRELIMINARY AMENDMENT" was filed on or about July 3, 2001 as shown by the postcard receipt a copy of which is attached hereto and is labeled exhibit A. In the Preliminary Amendment the

dependency of claim 4 was corrected as shown by a copy of page 3 of that Preliminary Amendment, attached hereto as exhibit B. The attention of the Examiner is respectfully invited to exhibit B where it can be seen that claim 4 was amended to not be multiply dependent. With the filing of the PRELIMINARY AMENDMENT any objectionable multiple dependency has been overcome.

Upon request of the Examiner, the undersigned will gladly forward a copy of the entire Preliminary Amendment.

Claim Rejections Under 35 U.S.C. § 102

The rejection of claims 1-3 and 5 under 35 U.S.C. § 102 over EP 1 059 340 is traversed. That patent is completely irrelevant to the subject matter here claimed. It is believed that the Examiner meant to refer to EP 1 059 348.

If appropriate, the rejection claims 1-3 and 5 under 35 U.S.C. § 102 over EP 1 059 348 (Saito) is traversed. A certified translation of the priority document in this case is attached hereto, is filed herewith and is labeled exhibit C. All pending claims find support in exhibit C. Exhibit C has a date earlier than that of Saito. Saito is, therefore, not a reference.

The rejection of claims 1 and 2 under 35 U.S.C. § 102 over JP 0 263688 (Masuda) is traversed but has been rendered moot by the present amendments. Masuda does not disclose the amount of

electrically conductive carbon powder as specified in all pending claims.

The rejections of claims 1 and 2 under 35 U.S.C. § 102 as lacking novelty over U.S. Patent 6,096,818 (Nakaura) is traversed. Nakaura does not disclose the amount of electrically conductive carbon powder specified in all pending claims.

Art Cited But Not Applied

As the Examiner has correctly recognized the prior art cited but not applied fails to disclose or suggest the claimed subject matter.

Conclusion

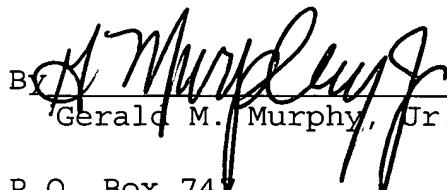
The Examiner is respectfully requested to allow the above-identified application in view of the above amendments and remarks. Should however, the Examiner issue an additional Office Action that Office Action should not be final. There were no objectionable multiple dependent claims in this case prior to examination. No examination on the merits has been received as to any of claims 4, 6, or 7. It would be inappropriate to issue a final rejection without offering the Applicant an opportunity to amend these claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David R. Murphy (Reg. No. 22,751) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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GMM/DRM/rem

Attachment(s): Exhibit A (Postcard Receipt showing date stamp of July 3, 2001)
 Exhibit B (Preliminary Amendment filed July 3, 2001, page three (3) only)
 Exhibit C (Translation of Priority Document)